

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CESARI S.R.L.,

Plaintiff,

- against -

MEMORANDUM AND ORDER

PEJU PROVINCE WINERY L.P., PEJU
PROVINCE CORPORATION, and PEJU
FAMILY OPERATING PARTNERSHIP, L.P.,

17 Civ. 873 (NRB)

Defendants.

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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

This Memorandum and Order addresses the submissions at docket entries 176 through 181. Plaintiff has established the relevance of only (1) whether Peju Province Corporation and/or Peju Family Operating Partnership, L.P. controlled Peju Province Winery L.P. in the TTAB litigation, and (2) Ariana Peju's alleged lack of knowledge of Peju Province Winery L.P.'s prior trademark application to register LIANA, or of the prior TTAB proceeding. The Court accordingly quashes plaintiff's subpoena except to the extent that it requests documents that bear on at least one of those two topics, and directs as follows. First, defendants must produce to the Court for in camera review each document on their privilege log that bears on either of the two topics listed above. Second, defendants must produce to plaintiff (if not privileged or otherwise protected) or to the Court (if privileged or otherwise


protected) any of Frankel's documents not listed on their privilege log that bear on either of those topics.

In heeding these directions, the Court reminds defendants that billing statements and engagement letters are generally not privileged, except for "content that reveals the motive of the client in seeking representation, litigation strategy, or the specific nature of the services provided, such as researching particular areas of law" Newmarkets Partners, LLC v. Sal. Oppenheim Jr. & Cie. S.C.A., 258 F.R.D. 95, 101 (S.D.N.Y. 2009) (internal quotation marks and alteration omitted).

Finally, the Court rejects plaintiff's arguments concerning implied waiver of privilege. The Clerk of Court is respectfully directed to terminate the motion pending at docket entry 176.

SO ORDERED.

Dated: New York, New York
October 3, 2019


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE